

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN

MARK E RAHOI,

Plaintiff,

Case No. 20-cv-1289-bhl

v.

INTERNAL REVENUE SERVICE,

Defendant.

ORDER

On February 12, 2021, the Court received two documents from pro se plaintiff Mark Rahoi. The first, a motion for extension of time, requests that Rahoi's deadline to respond to IRS's motion to dismiss be extended from February 15, 2021 until March 15, 2021. (ECF No. 15.) Because this motion was supported and filed timely, the extension will be granted.

The second, a motion for request for default, will be denied because IRS is not in default. Rahoi is correct that the deadline to respond is within sixty days of service, but his understanding of the timing is incorrect. In this case, service occurred when the U.S. Marshals Service provided the complaint and the summons to the IRS pursuant to the Court's Order, not when Rahoi filed his complaint. Because the IRS timely submitted a responsive pleading to Rahoi's complaint, a default is not warranted. Accordingly,

IT IS HEREBY ORDERED that Rahoi's motion for an extension of time, ECF No. 15, is **GRANTED**. Rahoi must file a response to IRS's motion to dismiss on or before March 15, 2021.

IT IS FURTHER ORDERED that Rahoi's motion for a default, ECF No. 16, is **DENIED**.

Dated at Milwaukee, Wisconsin on February 19, 2021.

s/ Brett H. Ludwig
BRETT H. LUDWIG
United States District Judge